

MINUTES  
MALIBU CITY COUNCIL  
REGULAR MEETING  
OCTOBER 13, 2003  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Mayor Kearsley called the meeting to order at 6:30 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Ken Kearsley, Mayor Pro Tem Sharon Barovsky, Councilmembers Joan House, Jeffrey Jennings and Andrew Stern.

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Vic Peterson, Environmental and Community Development Director; Yugal Lall, Public Works Director; Paul Adams, Parks and Recreation Director; Mike Teruya, Planning Division Manager; Barbara Cameron, Grants Consultant; Claudio Sanchez, Interim City Engineer; Thomas Gorham, Senior Planning Consultant; and Lisa Pope, City Clerk

Mayor Kearsley introduced and welcomed Yugal Lall, new Public Works Director.

**FLAG SALUTE**

Public Works Director Lall led the Pledge of Allegiance.

**CLOSED SESSION REPORT**

**Public Comment on Closed Session Items**

None.

City Attorney Hogin reported that the Council met in Closed Session at 5:30 p.m. to discuss the following items:

**Existing litigation per Government Code Section 54956.9 (a):**

1. Chicksands Properties LTD. v. City of Malibu et al.  
Los Angeles County Superior Court Case No. BS072081
2. City of Arcadia, et al. v. Regional Water Quality Board, et al.  
Los Angeles County Superior Court Case Nos. BS080807, BS080548, SO80753, BS080758, BS080791
3. City of Malibu v. California Coastal Commission (Streisand Center Coastal Permit)  
Los Angeles County Superior Court Case No. BC230410
4. City of Malibu v. California Coastal Commission / TLC / Liebig (Referendum)  
Los Angeles County Superior Court Case No. SS011355
5. City of Malibu v. California Coastal Commission (AB988 / LCP)  
Los Angeles County Superior Court Case No. SC074641

Related cases (city named as a party in interest):

- a. Rick Appel v. California Coastal Commission  
Case No. SC074658
  - b. Ralph Herzig v. California Coastal Commission  
Case No. SS011382
  - c. Land Use Preservation v. California Coastal Commission  
Case No. SS011388
  - d. Riverview Farm Associates v. California Coastal Commission  
Case No. SS011383
  - e. Brian Sweeney v. California Coastal Commission  
Case No. SS011387
  - f. Trancas-PCH v. California Coastal Commission  
Case No. SC074640
  - g. Tuna Ridge v. California Coastal Commission  
Case No. SC011381
  - h. Land Use Preservation Defense Fund v. California Coastal Commission  
Los Angeles County Superior Court Case No. SS011388
1. City of Malibu, et al. v. County of Ventura, et al. (Ahmanson Ranch)  
Ventura County Superior Court Case No. CIV 216938
  2. City of Malibu / Geffen v. Access for All / Coastal Commission et al  
Los Angeles County Superior Court Case No. BC277034
  3. Colony Beach Preservation Association v. California Coastal Commission  
Los Angeles County Superior Court Case No. BS083683
  4. Malibu CAN v. City of Malibu (MBC Development Agreement)  
Los Angeles County Superior Court Case No. BS083683
  5. Malibu Township Council v. City of Malibu II (28-car garage)  
Los Angeles County Superior Court Case No. BS079965

6. Marine Forest Society v. California Coastal Commission Case No. 00AS00567 (Sacramento Superior Court) (Amicus)
7. Rubens v. City of Malibu  
Los Angeles County Superior Court Case No. SC060331
8. Sierra Club v. City of Malibu (Forge Lodge)  
Los Angeles County Superior Court Case No. BS083573
9. Silver v. City of Malibu  
Los Angeles County Superior Court Case No. BS081960
10. Sprint v. City of Malibu et al  
United States District Court Case No. SACV02660 DOC (MLGx)
11. Sweeney et al v. City of Malibu  
Los Angeles County Superior Court Case No. SS011602
12. Taxpayers for Livable Communities; Jay Liebig II v. City of Malibu  
Los Angeles County Superior Court Case No. BS0735585
13. Taxpayers for Livable Communities, Povah, et al. v. City of Malibu  
Los Angeles County Superior Court Case No. BS072794
14. Trancas Property Owners Association v. City of Malibu  
Los Angeles County Superior Court Case No. BS084112
15. United States of America ex rel. Darian v. Accent Builders inc. et al.  
United States District Court Case No. CV00-10255-FMC(JWJx)
16. Visher v. City of Malibu  
Los Angeles County Superior Court Case No. SC078703

**Conference With Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(b):**

17. Number of Cases: 2

City Attorney Hogin reported that the Council discussed some but not all items listed on the Closed Session agenda and took no reportable action.

**APPROVAL OF AGENDA**

MOTION Councilmember House moved and Councilmember Jennings seconded a motion to approve the agenda. The motion carried unanimously.

**REPORT ON POSTING OF AGENDA**

City Clerk Pope reported that the agenda for the meeting was properly posted on October 3, 2003.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

**A. Proclamation Declaring October 15, 2003 as Latino Aids Awareness Day**

Mayor Kearsley presented a proclamation declaring October 15, 2003 as Latino AIDS Awareness Day.

**ITEM 2A PUBLIC COMMENTS**

Hiro Kotchounian, on behalf of the Malibu Country Estates Homeowners Association, requested an amendment to the City ordinance to provide view protection. He explained that the Association's CC&Rs do not include view protection. He described their plan to accomplish this.

William Cacciatore, a member of the Malibu Country Estates Homeowners Association Board of Directors for 15 years, discussed current and future view protection problems in Malibu. He stated the only solution to the problem is currently neighbor to neighbor. He requested action by the City Council to protect the community.

Norm Haynie suggested a change in the current policy regarding issuance of building permits only after an applicant obtains a Coastal Development Permit (CDP). He stated that the CDP is required by State law, and therefore should not be required by City law. He acknowledged that authority to issue CDPs lies with the State of California. He recommended leaving the obligation to comply with State law on the individual, not the City.

Sam Birenbaum discussed alleged incidents of racism against his family.

Juda Miller deferred her time to Sam Birenbaum.

Allen Deglan deferred his time to Sam Birenbaum.

Sam Birenbaum discussed alleged prejudicial treatment of his family by the City, which he asserted was racially motivated.

Mike Barsocchini discussed his review of the Chili Cook-Off site plan submitted by Steve Uhring and stated he considered it visionary. He discussed the difficulties experienced by his clients resulting from the City's building permit procedures, particularly with Environmentally Sensitive Habitat Area (ESHA) issues. He inquired about the possibility of an exemption process allowing applicants to obtain building permits prior to the City's settlement of Local Coastal Plan (LCP) issues.

Ozzie Silna commented on Councilmember Jennings' previous statements about Measure M. He described Malibu CAN's plans. He expressed frustration in his attempts to discuss alternative concepts with staff and Council. He distributed an alternative plan with supporting documents.

John Mazza discussed the sample ballot on Measure M mailed to Malibu voters. He questioned the impartiality of the impartial analysis. He discussed portions of the development agreement and expressed concern about the length of the ballot.

Steve Uhring discussed a letter he received from Kenneth Ehrlich of Heal the Bay requesting a retraction of the Heal the Bay statement from the Argument in Opposition to Measure M.

Mark Gold, Executive Director of Heal the Bay, clarified Heal the Bay's neutral position on Measure M. He stated that Heal the Bay was disappointed to have their name placed on the ballot argument without their approval. He described Heal the Bay's past actions to benefit the Malibu environment. He requested the City ensure that water quality conditions at Malibu Creek, Lagoon and Surfrider Beach were not negatively impacted by whatever action is chosen by the voters.

Mona Loo, Yes on Malibu volunteer, discussed her group's support of Malibu's purchase of the Chili Cook-Off property. She encouraged residents to support Measure M.

Ben Marcus read an essay he had written entitled "It's a Wonderful Lie." He discussed reasons to oppose Measure M.

Jo Ruggles, representing Malibu Trails Association, discussed access to Malibu trails. She stated access to the Nicholas Canyon Trail and the connector in Ramirez Canyon were blocked.

Robert Roy Van de Hoek of the Sierra Club executive committee urged citizens to vote against Measure M. He discussed a radio program where Barbra Streisand stated she had donated properties in Ramirez Canyon. He recommended Jerry Perenchio make a similar donation.

Penelope Sidro spoke in support of Sam and Nidia Birenbaum.

Marlene Matlow stated she was in favor of Measure M.

Nidra Winger Maus encouraged the public to vote in favor of Measure M. She suggested a need for an open space park in Malibu.

Georgianna McBurney discussed the upcoming Serra Retreat Forum on October 16, 2003.

Judy Decker deferred her time to Anne Hoffman.

Kay Ferguson deferred her time to Anne Hoffman.

Judy Newman deferred her time to Anne Hoffman.

Anne Hoffman discussed the listing of information in the sample ballots. She stated the development agreement was clearly defined. She described expected development should Measure M not pass. She discussed the economic benefits to the City if Measure M passes. She alleged statements by No on M in their newspaper advertisements were false. She encouraged voters to vote Yes on Measure M.

Lloyd Ahern discussed the Heal the Bay statement in the statement of support for Measure M. He questioned whether or not Malibu CAN had appropriately filed necessary campaign statements.

## **ITEM 2B COUNCIL COMMENTS**

Councilmember Stern requested discussion of a view protection ordinance be included in the quarterly agenda.

Councilmember House asked if the Council could be involved in homeowners associations' CC&Rs.

City Attorney Hogin indicated the Council could determine if it wished to move forward with a view protection ordinance and, if so, it should go to the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES).

Councilmember Stern indicated support for the City writing a letter of commendation to former Los Angeles Mayor Richard Riordan as requested by the California Wildlife Center. He addressed Sam Birenbaum and expressed dismay over alleged racist incidents. He questioned Mr. Birenbaum's continued request of the Council to correct a situation that can only be resolved by the Courts. He discussed the recent death of Malibu resident, Timothy Treadwell. He requested the meeting be adjourned in Mr. Treadwell's memory.

Councilmember Jennings addressed the Malibu Country Estates representatives and suggested they request a custom subdivision amendment to address the view protection issue. He stated the ZORACES would discuss the matter at some time in the future, including other cities' actions on similar issues. He noted it would be a long process. He discussed the problem of determining when to enact a view protection ordinance. He requested City Attorney Hogin respond to Mr. Barsocchini and Mr. Haynie.

City Attorney Hogin discussed the status of litigation in LCP cases. She stated she hoped to have an answer by the end of the year. In response to Mr. Haynie's suggestion to issue building permits without ensuring that CDPs are issued, she expressed concern that it would not be good for the City to ignore State requirements. She added that staff was working on procedures for issuing building permits if the project is exempt from needing a CDP based on the Coastal Act.

Councilmember Jennings requested staff discuss the Birenbaum alleged hate crime with the Sheriff's Department. He added the City could not take further action on the Birenbaum case. He discussed Ozzie Silna's and John Mazza's statements regarding Measure M. He requested those in opposition to Measure M provide a plan for stopping development if Measure M does not pass. He described water disposal requirements of various types of businesses. He discussed Ozzie Silna's alternative plan. He stated that plans for a wastewater treatment plant would address all requirements requested by Mark Gold and Heal the Bay. He requested Jo Ruggles provide him more details about blocked access to trails. He asked staff to provide information regarding trail access. In response to issues raised by Anne Hoffman, he stated that only the Malibu Bay Company could determine if they would try to negotiate a new deal if Measure M is defeated. In response to Lloyd Ahern, he stated it would be the responsibility of the FPCC to respond to filings by Malibu CAN. He requested adjournment in honor of Robert Morrison, who passed away suddenly, and Frank Page, a Malibu High School coach, who was recently killed in an automobile accident.

Councilmember House asked if Malibu CAN had filed with the City Clerk. City Clerk Pope stated they filed a declaration as a committee.

Mayor Pro Tem Barovsky requested clarification of the filing. City Clerk Pope stated Malibu CAN had filed a Statement of Organization Recipient Committee and Supplemental Independent Expenditure Report.

Councilmember House expressed disappointment in Malibu CAN's non-compliance with filing deadlines. She added that CAN had stated in the newspaper that she and Councilmember Stern planned to attend a function of

which they had no knowledge. She stated she was available by phone or appointment to discuss Measure M. She stated view protection was one of the most sensitive, important issues in the City. She suggested the Malibu Country Estates Homeowners Association move forward with their plans. She condemned hate crimes and requested a copy of the police report on the Birenbaum event. She thanked Mark Gold for taking time to address the Council. She stated she understood Barbra Streisand's gift was a tax write-off and that there were problems with the property she had donated. She spoke in support of a letter of commendation to Mayor Riordan. She supported adjournment in memory of Timothy Treadwell, Frank Page and Robert Morrison. She recommended naming a trail after Timothy Treadwell in recognition of his work in support of nature.

Mayor Pro Tem Barovsky suggested the Malibu Country Estates Homeowners Association work with staff to develop an ordinance for their community. She requested a copy of the police report on the Birenbaum event. She discussed the ballot statements in support of and opposition to Measure M. She suggested the campaign be run by the community, not the City Council.

Mayor Kearsley stated he had the beginning of a zone text amendment regarding the restriction of foliage and plants. He announced receipt of the NOAA Prescott Grant in the amount of \$100,000 and commended Grants Coordinator Cameron and Beth Caskie of California Wildlife Center for their efforts. He discussed his desire to protect the ocean, Malibu Creek and Lagoon. He discussed water quality problems experienced in some wetlands. He stated the plan for a water treatment facility was the only hope to ensure clean water in Malibu.

RECESS      Mayor Kearsley called a recess at 8:20 p.m. The meeting reconvened at 8:30 p.m. with all Councilmembers present.

### **ITEM 3      CONSENT CALENDAR**

Item Nos. 3.B.6. and 3.B.7. were pulled by the public.

MOTION      Mayor Pro Tem Barovsky moved and Councilmember House seconded a motion to approve the Consent Calendar with the exception of Item Nos. 3.B.6 and 3.B.7. The motion carried unanimously.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items  
None.
- B. New Items
  - 1. Waive further reading  
Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.
  - 2. Approve Warrants  
Staff recommendation: Allow and approve warrant demand numbers 23068 through 23215 listed on the register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 295 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$889,127.24. ADP payroll voucher numbers 5672507 – 5672520 in the amount of \$101,684.30 and ADP payroll voucher numbers 5918579 – 5918592 in the amount of \$103,071.87, totaling \$204,756.17.
  - 3. Approval of Minutes  
Staff recommendation: Approve City Council meeting minutes for the Special City Council meetings held on July 22, 2003 and July 24, 2003.
  - 4. Denial of Claim for Damages filed by Ronald Weiner  
Staff recommendation: Deny claim filed by Ronald Weiner.
  - 5. Commission Work Assignments for Fiscal Year 2003-2004  
Staff recommendation: Approve the Commission work assignments for fiscal year 2003-2004.

The following items were pulled from the Consent Calendar for individual consideration:

- 6. Purchase of Electronic Citation Writing System  
Staff recommendation: Authorize the Sheriff's Department to purchase an electronic citation writing system with California Law Enforcement Equipment Program (CLEEP) grant funds.

Ryan Embree questioned why this item was not brought before the Public Safety Commission. He was expressed concern about whether this was an appropriate use of funds.

Detective Robert Evans stated this would be a one-time expenditure and explained the use of CLEEP funds. He added that it was a cooperative

effort with three other cities. In response to Councilmember House, he discussed contributions by other cities.

Councilmember Jennings requested that future allocations go before the Public Safety Commission. City Manager Lichtig stated that previous allocations came directly to Council and staff followed that procedure with this item.

Councilmember House asked why the equipment was being purchased. Detective Evans explained problems with the current manual system. He added they expected added revenues and faster turnaround time for officers with the new equipment. He explained that approximately 2000 tickets per month were currently entered into the database manually, which would no longer be required with the new equipment.

In response to Mayor Kearsley, Detective Evans acknowledged the new equipment would increase officer efficiency.

MOTION Councilmember House moved and Mayor Pro Tem Barovsky seconded a motion to authorize the purchase of an electronic citation writing system to share with neighboring cities, with Malibu's portion of the cost of \$17,259 to be funded with California Law Enforcement Equipment Program (CLEEP) funds. The motion carried unanimously.

7. "Pitch and putt" use at 23554 Pacific Coast Highway  
Staff recommendation: Receive and file.

Richard Volpert, attorney for the Malibu Bay Company and Jerry Perenchio, explained Mr. Perenchio's desire and intent for his property.

Councilmember Jennings inquired about Mr. Perenchio's expected plans if Measure M passed. Mr. Volpert explained the benefits to the City from the development agreement. He stated Mr. Perenchio would abide by the voters' decision and stated it would be unlikely a new agreement would be renegotiated if the measure was defeated.

In response to Mayor Kearsley, Mr. Volpert stated this was the last roll of the dice. He added that \$800,000 to \$1,000,000 had been spent on negotiation of the development agreement.

Marcia Hanscom stated it would be insufficient to simply receive and file the letter from Mr. Volpert. She discussed previous zoning on the Perenchio property. She questioned what would become of the property

upon Mr. Perenchio's death. She challenged Mayor Kearsley to investigate the septic system on the property.

Lia Shipman, Surfrider Foundation Malibu Chapter volunteer, discussed her organization's petition on the Internet. She indicated Surfrider's position is to not support the Coastal Commission's approval of a permit for the golf course. She expressed concern about the use of chemical insecticides on the golf course.

Robert Roy Van de Hoek commended Lia Shipman for her statements. He discussed research at Malibu Lagoon and along the boundaries of the Perenchio golf course.

Councilmember Stern asked if Mr. Van de Hoek was alleging that Malibu Bay Company was diverting wastewater through the Lagoon. Mr. Van de Hoek stated it was not an allegation.

John Mazza stated there were mistakes in the staff report regarding the legal plot plan. He supported restricting the property. He stated the letter was not legally valid if not recorded. He recommended the Council request Mr. Perenchio have the deed restriction recorded.

Mayor Pro Tem Barovsky discussed the history of zoning on the Perenchio property and stated the golf course had been grandfathered. She expressed concern about development if the golf course was not approved. She acknowledged the City must deal with any pollution proven to exist.

Councilmember Jennings stated his understanding that this was a preliminary indication of Mr. Perenchio's intent. He acknowledged that the community and the State knew of the existence of the golf course since around 1982.

Mayor Kearsley stated that treatment plant systems have increased in technology and decreased in cost. He discussed skid-mounted systems.

In response to Mayor Pro Tem Barovsky, Environmental and Community Development Director Peterson confirmed there were water level monitoring wells in place in the area. He stated he was not aware of the City receiving a complaint regarding an inoperative septic system on the Perenchio site.

MOTION Councilmember Jennings moved and Councilmember Stern seconded a motion to receive and file the letter from Richard Volpert, attorney for the Malibu Bay Company and Jerry Perenchio. The motion carried unanimously.

MOTION Mayor Pro Tem Barovsky moved and Councilmember Stern seconded a motion to hear Item No. 5.A. at this point. The question was called and the motion carried 4-1, Councilmember House dissenting.

**ITEM 5 OLD BUSINESS**

A. Comparison of Options for Operation of Proposed Community Center at Pt. Dume

Staff recommendation: Consider the proposed business plans for operation of the proposed community center on Pt. Dume as part of the Malibu Bay Company Development Agreement and provide direction to staff.

Parks and Recreation Director Adams presented the staff report.

John Mazza stated the Point Dume Community Services District had 20 years experience. He discussed the benefits of joint bond funds and urged the Council to approve a joint powers agreement to enable the use of such funds. He discussed Measure M and the potential for the City to lease commercial property.

Bev Hammond discussed the proposal for the Point Dume Community Services District to manage the community center. She discussed eligibility for State funds through the Urban Park Act of 2001. She distributed information on the Urban Park Act of 2001. She discussed the benefits of a joint powers authority.

Marlene Matlow deferred her time to Bev Hammond.

Bev Hammond discussed rentable offices listed in the staff report for use in community activities. She described the frugality of the Community Center administration and resulting cost savings to the City.

Nidra Winger Maus thanked the Council for reordering the agenda. She emphatically supported the operating figures presented in the Community Services District's proposal. She addressed cost concerns outlined in the staff report. She spoke in support of the Community Services District's ability to manage a community center.

Pat Greenwood spoke on behalf of Dermot Stoker about the need for a community center. She also stated, on behalf of Doug O'Brien, that it was too soon to decide this matter. She indicated there were questions in the community that decisions on the community center were premature.

Mayor Pro Tem Barovsky stated starting a community center under the Community Services District was a no-brainer. She expressed concern about renting the facilities. She questioned if any other public agencies could apply for the grants.

In response to Mayor Pro Tem Barovsky, City Manager Lichtig clarified that the City could partner with a non-profit organization to apply for grants, but without the partnership, the non-profit agency could not apply for the grant funding. She explained the difference between per-capita grants and competitive grants.

Mayor Pro Tem Barovsky inquired about salaries and benefits included in the proposal. Ms. Hammond replied that benefits were included.

Councilmember House discussed a letter from the Boys and Girls Club. She questioned whether it was premature to decide the operation of a community center at this time. She stated that making a decision tonight would not be good public policy.

In response to Councilmember House, Ms. Hammond stated there were two large rooms of approximately 1,800 square feet at the Point Dume Community Center. Councilmember House suggested there was not sufficient space anywhere else in Malibu to hold community events.

In response to Mayor Pro Tem Barovsky, Ms. Hammond explained the need for a quick decision. She also discussed grant funds available for use at the Point Dume location.

Mayor Pro Tem Barovsky asked if this decision could be postponed until after the November election. Ms. Hammond explained the amount of time required to develop a joint powers agreement. Mayor Pro Tem Barovsky expressed concern about staff time and money required to develop the agreement, which could be rendered moot based on the election results.

Councilmember Jennings acknowledged past opportunities missed for the City to receive Proposition 12 funds. He stated he preferred the City apply for funds available through the Urban Parks Act to be used for ball fields. He recalled past bad experiences with joint power authorities. He

requested a no fault divorce provision be included. He asked if there were legal requirements regarding the makeup of the authority's board. He supported the establishment of a joint power authority, regardless of the outcome of Measure M.

Mayor Kearsley commended the Community Services District for their contributions to the City. He acknowledged the contributions of the Boys and Girls Club. He expressed agreement with Councilmember Jennings that it was not necessary to make a final decision tonight. He suggested the Council give a vote of confidence to move forward with the Community Services District operating a community center.

Councilmember House suggested the Boys and Girls Club be invited to present a proposal for consideration.

Mayor Pro Tem Barovsky stated the community center would be run either by the City or the Community Services District. She stated the Boys and Girls Club could not apply for grant funds.

Councilmember House asked if the Community Services District could apply for funds. In response to Councilmember House, City Manager Lichtig explained which organizations would be eligible for various grants.

In response to Councilmember Jennings, Grants Coordinator Cameron explained grant fund eligibility. She also responded to Councilmember Jennings regarding whether the Community Services District could change to a Park Services District.

City Manager Lichtig noted that the City recently tried to assist the Community Services District in their application for per-capita funds. She noted that the application was denied by the California Department of Parks and Recreation.

**MOTION** Councilmember Jennings moved and Councilmember Stern seconded a motion to direct staff to move forward to develop a joint powers agreement for further consideration by the Council at a subsequent date. The question was called and the motion carried 4-1, Councilmember House dissenting.

**ITEM 4            ORDINANCES AND PUBLIC HEARINGS**

- A. Zoning Text Amendment No. 02-001 / Negative Declaration No. 02-001 - An amendment to Title 17 Zoning Ordinance, Chapter 17.62 (Development Permits), Section 17.02.060 (Definitions), Section 17.40 (Property Development and Design Standards), and other sections as applicable to the City of Malibu Municipal Code (M.M.C.) to clarify the procedures and requirements for the processing of development permits, to amend the findings for Site Plan Review, and to refine definitions and regulations related to protection of primary view

Staff recommendation: Open the public hearing, consider the staff report and take public testimony. The Council should then discuss the proposed zoning text changes and direct staff to prepare any recommended changes to the proposed Zoning Text Amendment (ZTA) and continue the public hearing. Based on direction from the Council, staff will prepare the appropriate resolution and ordinance to adopt the proposed Negative Declaration and approve the proposed ZTA and bring the items back to the Council for consideration.

MOTON Councilmember House moved and Councilmember Stern seconded a motion to continue Item No. 4.A. to November 10, 2003. The motion carried unanimously.

**ITEM 6 NEW BUSINESS**

None.

**ITEM 7 COUNCIL ITEMS**

- A. Council Appointments to City Commissions and Committees  
Staff recommendation: Appoint new Commission and Committee members to various City Commissions and Committees.

Mayor Pro Tem Barovsky appointed Ted Vaill to the Trails Master Plan Advisory Committee.

Councilmember House appointed Leslie Schwarz to the Mobilehome Park Rent Stabilization Commission.

Mayor Kearsley requested the City Clerk advertise the vacancies on the Public Safety Commission and Public Works Commission.

- B. Gates on or Across Private Streets (Mayor Pro Tem Barovsky)

**MOTION** Councilmember Jennings moved and Councilmember House seconded a motion to add an item to the October 29, 2003 City Council Quarterly meeting to discuss gates on private streets. The motion carried unanimously.

**ADJOURN** At 10:20 p.m., Councilmember Jennings moved and Councilmember House seconded a motion to adjourn in memory of Timothy Treadwell, Robert Morrison and Frank Page. The motion carried unanimously.

Approved and adopted by the City Council of the City of  
Malibu on October 27, 2003.

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KENNETH KEARSLEY, Mayor

ATTEST:

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LISA POPE, City Clerk  
(seal)